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NOTICE OF ALLOWANCE AND FEE(S) DUE

21897

7590

11/29/2010

THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON, TX 77057

EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3694

DATE MAILED: 11/29/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/801.016

03/06/2001

Jeffrey A. Livesey

WELLOGIX-002-CIP

1305

TITLE OF INVENTION: METHOD AND PROCESS FOR PROVIDING RELEVANT DATA, COMPARING PROPOSAL ALTERNATIVES, AND RECONCILING PROPOSALS, INVOICES, AND PURCHASE ORDERS WITH ACTUAL COSTS IN A WORKFLOW PROCESS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/28/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless directed below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

21897 7590 11/29/2010

**THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON, TX 77057**

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/801.016 03/06/2001 Jeffrey A. Liveness WELLOGIX-002:CIP 1305

TITLE OF INVENTION: METHOD AND PROCESS FOR PROVIDING RELEVANT DATA, COMPARING PROPOSAL ALTERNATIVES, AND RECONCILING PROPOSALS, INVOICES, AND PURCHASE ORDERS WITH ACTUAL COSTS IN A WORKFLOW PROCESS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	02/28/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
COLBERT, ELLA	3694	705-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev. 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

1

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,016	03/06/2001	Jeffrey A. Livesay	WELLOGIX-002:CIP	1305
21897	7590	11/29/2010	EXAMINER	
THE MATTHEWS FIRM 2000 BERING DRIVE SUITE 700 HOUSTON, TX 77057			COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3694	
DATE MAILED: 11/29/2010				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1231 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1231 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

09/801,016

Applicant(s)

LIVESAY ET AL.

Examiner

Ella Colbert

Art Unit

3694

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 20 August 2010.
2. ☒ The allowed claim(s) is/are 1-3 and 131-136.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☒ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 8/4/10, 08/10/01, 8/23/02
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Initialed After Final Amendment Attached.

/Ella Colbert/
Primary Examiner, Art Unit 3694

DETAILED ACTION

1. Claims 1-3 and 131-136 are pending. Claims 1 and 131-134 have been amended and claims 4 and 137-144 have been canceled in the communication filed 8/20/10 entered as Response to Non-Final Action.
2. The Drawings filed 8/20/10 have been reviewed and entered. However, Applicants' need to submit better drawings for printing purposes.
3. The IDS's filed 8/04/10, 08/10/01, and 8/23/02 have been reviewed and entered. The Claim Objections for claims 1 and 131-134 have been overcome by Applicants' amendments and are hereby withdrawn. The Objections to claims 4 and 137 have been overcome by Applicants' cancellation of the claims and are considered moot.
4. The 35 USC 112, Second Paragraph Rejection for claims 1, 131, 132, 137, and 138 from the Office Action filed 6/21/10 has been overcome by Applicants' amendments to claims 1, 131, and 132 and are hereby withdrawn. The cancellation of claims 137 and 138 now make the 35 USC 112, Second Paragraph Rejection moot.

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants', an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a voice mail on 23 November 2010 and on the same date by Attorney Jacob S. Mattis.

Amendment to the Drawing Figures

Figure 17A is an exemplary screen shot of a Calendar page depicting the starting dates for a group of wells in an example for an Internet based embodiment of the present invention.

Figure 17B is an exemplary screen shot of a Calendar page depicting the relevant dates for requests used in an example for an Internet based embodiment of the present invention.

Figure 18 is an exemplary screen shot of a Request In-Box page for an Internet based embodiment of the present invention.

Figures 19A-B are exemplary screen shots of an award page in an Internet embodiment of the present invention indicating a link to enter the field ticket reconciliation system.

Figure 19C is an exemplary screen shot of an eField Ticket management page in an Internet embodiment of the present invention providing a list of submitted field tickets for review.

Figure 19D-F are exemplary screen shots of a specific eField Ticket template page in an Internet embodiment of the present invention detailing time and materials costs and fees.

Figure 20 is an exemplary flow diagram of the steps in processing a field ticket according to the system of the present invention.

Figure 21 is an information and interface flow diagram depicting the major functional steps of processing a field ticket and providing payment according to the

system of the present invention.

~~(Presently Canceled) Figure 22 is an exemplary screen shot of a Detailed Feedback page in an Internet embodiment of the present invention indicating a deep link to a seller's product information.~~

Allowable Subject Matter

Claims 1-3 and 131-136 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art Puri et al., Ockman and Huberman disclose complex projects, calculating costs, and actual costs. Puri et al., Ockman and Huberman did not disclose using the processor to compare the actual performance data to the estimated data to determine a discrepancy between the actual performance data and the estimated data and sending an electronic notification of the discrepancy to at least one buyer, at least one seller, or combinations thereof.

Oliver (US 5,907,490) discloses a system for monitoring and assessing the performance of a project and the cost actually spent on a project. Oliver (US 5,907,490) did not disclose using the processor to compare the actual performance data to the estimated data to determine a discrepancy between the actual performance data and the estimated data and sending an electronic notification of the discrepancy to at least one buyer, at least one seller, or combinations thereof.

Goossens et al. (US 6,356,880) discloses large and complex projects and tracking the material and resource costs within and across tasks of a project. Goossens

et al. did not disclose using the processor to compare the actual performance data to the estimated data to determine a discrepancy between the actual performance data and the estimated data and sending an electronic notification of the discrepancy to at least one buyer, at least one seller, or combinations thereof.

Burns et al. (US 5,189,606) discloses a construction cost generator that can be used to develop costs for construction projects and estimating and comparing the costs of the project. Burns et al. (US 5,189,606) did not disclose using the processor to compare the actual performance data to the estimated data to determine a discrepancy between the actual performance data and the estimated data and sending an electronic notification of the discrepancy to at least one buyer, at least one seller, or combinations thereof.

Other Relevant Prior Art :

Clark (US 6,889,196); Ruffo et al. (US 2001/0032166); Lungren et al. (US 6,092,050); Justice (US 6,829,595); Erbey et al. (US 7,412,418); Wood (US 5,381,332); Fad et al.

Inc., "State of the Art. (project management software)"; Purchasing, "Buyers'guide to software for purchasing"; Raskin, Andrew, "Task masters"; Chemical Engineering Progress, "Information systems-Tools for project management"; Whitmarsh Information Systems Corporation, "Whitmarsh Project Management: Architecture and Concept of Operations"; Chris Henderickson and Tung Au, "Project Management for Construction Fundamental Concepts for Owners, Engineers, Architects and Builders"; Wikipedia, the free encyclopedia, "Earned value management"; Oracle

Method, Project Management Method Handbook, Release 2.6.0"; 2000 35th Annual Edition, Henry Reynolds, "HomeTech Remodeling and Renovation Cost Estimator"; Wanat, Robert, "Productivity during the workout process-toward the turanaround."; Industrial Computing, "How to live up to deadlines. (project -management packages)"; and Landis, Ken, "Critical paths. (project management software; includes glossary of terms and related article on KeyPlan's beta test) (evaluation)".

An extensive search was performed and no better prior art was found.

For these reasons claim 1 is deemed allowable over the prior art of record and claims 2, 3, and 131-136 are allowed by dependency.

It appears that the instant invention is beyond the skill of one of ordinary art. Accordingly the invention would NOT have been obvious because one of ordinary skill could not have been expected to achieve it. NOR would they have been able to predict the results, and as such, they would have not capability of expecting success.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammell James can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3694

November 08, 2010